

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

RONALD F. MARTINEZ,

Plaintiff,

v.

L. GAMBOA, et al.,

Defendants.

Case No. [21-cv-02744-EMC](#)

**ORDER EXTENDING DEADLINE FOR
AMENDED COMPLAINT; AND
DENYING PLAINTIFF'S DISCOVERY
MOTIONS**

Docket Nos. 46, 56, 57, 64

Plaintiff's request for an extension of the deadline to file his amended complaint is **GRANTED**. Docket No. 64. Plaintiff must file his amended complaint no later than **July 15, 2022**.

Plaintiff's motions to compel discovery are **DENIED**. *See* Docket Nos. 46, 57. Plaintiff argues that Defendants have failed satisfactorily to respond to certain interrogatories, and asks the Court to order Defendants to respond to Plaintiff's satisfaction. *See id.* Courts should not consider a motion to compel unless the moving party provides a certification which "accurately and specifically conveys to the court who, where, how, and when the respective parties attempted to personally resolve the discovery dispute." *Shufflemaster, Inc. v. Progressive Games, Inc.*, 170 F.R.D. 166, 170 (D. Nev. 1996). Additionally, the moving party must actually perform the obligation to confer or attempt to confer in good faith to resolve the discovery dispute without court intervention. *Id.* To accomplish the underlying policy of Fed. R. Civ. P. 37(a)(1) and Local Rule 37-1, the moving party must include more than a cursory statement that he attempted to confer, and "must adequately set forth in the motion essential facts sufficient to enable the court to pass a preliminary judgment on the adequacy and sincerity of the good faith conferment between

1 the parties.” *Id.* at 171. A good faith attempt to resolve the discovery dispute without court
2 intervention involves more than “the perfunctory parroting of statutory language on the certificate
3 to secure court intervention,” and requires “a genuine attempt to resolve the discovery dispute
4 through non judicial means.” *Id.*

5 Here, Defendants explain that they provided supplemental responses to Plaintiff’s
6 interrogatories at his request, and that he failed to meet and confer with them regarding any
7 perceived defects in those supplemental responses before filing motions to compel. *See* Docket
8 Nos. 54, 65. Accordingly, Plaintiff’s motion to compel must be denied. If Plaintiff is unsatisfied
9 with Defendants’ supplemental responses, he must meet and confer with Defendants about any
10 perceived defects in the supplemental responses, and give Defendants the chance to remedy those
11 defects, before asking this Court to compel responses. Because Plaintiff did not do so, his motions
12 to compel are denied. Plaintiff’s requests for the Court to sanction Defendants for their discovery
13 responses, and for the Court’s “administrative assistance” in obtaining discovery, are denied for
14 the same reasons. Docket Nos. 56, 58.

15 The Court notes that Plaintiff moved for a refund of filing fees, Docket No. 63, and then
16 subsequently withdrew that motion, Docket No. 66. The Clerk shall terminate these two motions.

17 The Court asks that Plaintiff attempt to write more neatly in his future filings. The motions
18 addressed in this order are illegible in part. The Court cannot grant Plaintiff relief if it cannot read
19 his requests.

20 This order disposes of Docket Nos. 46, 56-58, 63-64, and 66.

21
22 **IT IS SO ORDERED.**

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24 Dated: June 16, 2022

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27 EDWARD M. CHEN
28 United States District Judge